

IT IS SO ORDERED.

Dated: 10:17 AM December 01 2010



IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

| | | |
|------------------|---|---------------------------|
| In re: |) | CASE NO: 10-54858 |
| Joseph McGee |) | Chapter 13 |
| Diana Lynn McGee |) | |
| Debtor(s). |) | Judge Marilyn Shea-Stonum |
| |) | <u>PROVISIONAL</u> |
| | | <u>ORDER ESTABLISHING</u> |
| | | <u>SECURED VALUE</u> |

This matter is before the Court upon a motion of the above-captioned debtors who prayed for the entry of an order establishing the value of collateral in which each creditor named below claims or may claim to hold a security interest for the purpose of determining the amount of each such creditor's secured claim pursuant to 11 U.S.C. §506(a). It appears to the Court that a copy of this motion was served by counsel for the debtor(s) upon all affected parties and that each such party was notified of an opportunity to request a hearing on this motion within fourteen (14) days from the date of the service of these copies. It further appears to the Court that more than fourteen (14) days have passed since the date of the service of these copies and no party has disputed the valuation(s) set forth in the debtor('s)(s') motion. As the bar date for filing proofs of claim in this case has not yet passed, the Court finds that the mailing address at which the affected party was served with the debtor('s)(s') motion may not be the same as the address that such affected party may set forth for receipt of notices on its proof of claim.

Therefore, the Court finds it appropriate to abate the effect of this order for an additional fourteen (14) days in which any affected party may file a written request a hearing on the debtor('s)(s') motion. In the event no such hearing is requested, this order shall become a final order.

The Court provisionally finds, therefore, that the claim(s) of the following named creditor(s) shall be allowed and paid as follows, *viz.*:

| CREDITOR | SECURED VALUE | UNSECURED AMOUNT | INTEREST (if applic- able) | FIX- ED PYT. |
|-----------------|---|-----------------------------|---|-----------------------------|
| PNC Bank | \$1,800.00 | -0- | 5% | \$78.97/mo. |
| | p.m.s.i. in 2002 Chevrolet Venture vehicle | | | |

WHEREFORE, it is ORDERED, ADJUDGED and DECREED that the claim(s) of the above-mentioned creditors shall be allowed and paid as set forth above in the event that such creditor filed herein a proof of claim setting forth a security interest in property of the estate. If no such security interest is set forth in such proof of claim, the creditors' claim shall be allowed and paid as a general unsecured claim. In the event that an above-mentioned creditor files herein a proof of claim specifying a secured value less than that set forth above, the chapter 13 trustee shall pay the lesser amount.

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Submitted by:

/s/ Robert M. Whittington, Jr.

Robert M. Whittington, Jr. 0007851
Elk, Elk & Whittington
159 S. Main St.
Akron, OH 44308
Voice (330) 384 8484
Fax (330) 384 8953
E-mail elkwhitt@neo.rr.com

List of Parties to be Served:

Pursuant to Rule 9022, Rules of Bankruptcy Procedure, Fed.R.Civ.P. 5(b) and ECF Decisions promulgated by the Clerk of this Court, the Clerk shall serve the following by electronic notice through the ECF system if the following named recipients are registered ECF users, or otherwise by ordinary U.S. Mail, postage prepaid, or by such other means as may be permitted by these Rules, viz.,

Robert M. Whittington, Jr.
1023 Key Bldg.
Akron, OH 44308

Keith Rucinski, Chapter 13 Trustee
I Cascade Plaza, 20th Floor
Akron, OH 44308

U.S. Trustee
201 Superior Ave. E., #441
Cleveland, OH 44114

PNC Bank
Attn: Officer or General Counsel
249 5th Ave.
Pittsburgh, PA 15333-2790

CERTIFICATE OF NOTICE

District/off: 0647-5
Case: 10-54858

User: bmont
Form ID: pdf961

Page 1 of 1
Total Noticed: 3

Date Rcvd: Dec 01, 2010

The following entities were noticed by first class mail on Dec 03, 2010.

db/db +Joseph McGee, Diana Lynn McGee, 150 N. Hawkins Ave., Akron, OH 44313-6428
ust +Cynthia J. Thayer, US Department of Justice, 201 Superior Avenue, Suite 441,
Cleveland, OH 44114-1234
+PNC Bank, Attn: Officer or General Counsel, 249 5th Ave, Pittsburgh, PA 15222-2707

The following entities were noticed by electronic transmission.

NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 03, 2010

Signature:

